

ASSEMBLY BILL

No. 2163

Introduced by Assembly Member Nava

February 21, 2006

An act to amend Sections 37252.8 and 42239 of the Education Code, relating to supplemental instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2163, as introduced, Nava. Supplemental instruction: funding.

Existing law authorizes the governing board of a school district and a charter school maintaining any of grades 2 to 6, inclusive, to offer programs of direct, systematic, and intensive supplemental instruction to a pupil enrolled in grades 2 to 6, inclusive, who has been identified as having a deficiency in mathematics, reading, or written expression based on the results of a test administered under the Standardized Testing and Reporting (STAR) Program or who has been identified as being at risk of retention.

Existing law authorizes a school district or charter school that offers the specified supplemental instruction to receive reimbursement in an amount up to 5% of the total enrollment of the school district or charter school in grades 2 to 6, inclusive, for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, determined as specified, with the balance of any appropriation made for these purposes to be allocated for reimbursement for supplemental instruction where pupil attendance meets certain enrollment requirements.

This bill would delete the specified reimbursement provisions in existing law and, instead, would require reimbursement for the specified supplemental instruction to be provided similarly to the

manner in which reimbursement is provided for certain other supplemental instruction programs.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 37252.8 of the Education Code is
2 amended to read:

3 37252.8. (a) The governing board of a school district and a
4 charter school maintaining any of grades 2 to 6, inclusive, may
5 offer programs of direct, systematic, and intensive supplemental
6 instruction to a pupil enrolled in *any of* grades 2 to 6, inclusive,
7 who meets either of the following criteria:

8 (1) The pupil has been identified as having a deficiency in
9 mathematics, reading, or written expression based on the results
10 of a test administered under the Standardized Testing and
11 Reporting Program established pursuant to Article 4
12 (commencing with Section 60640) of Chapter 5 of Part 33.

13 (2) The pupil has been identified as being at risk of retention
14 pursuant to Section 48070.5.

15 (b) Supplemental educational services offered pursuant to this
16 section may be offered during the summer, before school, after
17 school, on Saturdays, or during intersession, or in a combination
18 of summer school, before school, after school, Saturday, or
19 intersession instruction. Services shall not be provided during the
20 regular instructional day of the pupil. A minor pupil whose
21 parent or guardian informs the school district that the pupil is
22 unable to attend a Saturday school program for religious reasons,
23 or a pupil 18 years of age or older who states that he or she is
24 unable to attend a Saturday school program for religious reasons,
25 shall be given priority for enrollment in supplemental instruction
26 offered at a time other than Saturday, over a pupil who is not
27 unable to attend a Saturday school program for religious reasons.

28 (c) For purposes of this section, a pupil shall be considered to
29 be enrolled in a grade immediately upon completion of the
30 preceding grade. Summer school instruction may also be offered
31 to a pupil who was enrolled in grade 6 during the prior school
32 year.

1 (d) An intensive remedial program in reading or written
2 expression offered pursuant to this section shall, as needed,
3 include instruction in phoneme awareness, systematic explicit
4 phonics and decoding, word attack skills, spelling and
5 vocabulary, explicit instruction of reading comprehension,
6 writing, and study skills.

7 (e) A school district or charter school shall seek the active
8 involvement of parents and classroom teachers in the
9 development and implementation of supplemental instructional
10 programs provided pursuant to this section.

11 (f) It is the intent of the Legislature that a pupil who is at risk
12 of failing to meet state-adopted standards, or who is at risk of
13 retention, be identified as early in the school year, and as early in
14 his or her school careers as possible and be provided the
15 opportunity for supplemental instruction sufficient to assist him
16 or her in attaining expected levels of academic achievement.

17 ~~(g) (1) A school district or charter school that offers~~
18 ~~instruction pursuant to this section shall be entitled to receive~~
19 ~~reimbursement in an amount up to 5 percent of the total~~
20 ~~enrollment of the school district or charter school in grades 2 to~~
21 ~~6, inclusive, for the prior fiscal year multiplied by 120 hours,~~
22 ~~multiplied by the hourly rate for the current fiscal year~~
23 ~~determined pursuant to subdivision (b) of Section 42239.~~

24 ~~(2) The balance of the appropriation made for the purposes of~~
25 ~~funding programs offered pursuant to this section to serve pupils~~
26 ~~in grades 2 to 6, inclusive, shall be allocated for reimbursement~~
27 ~~of pupil attendance in instruction pursuant to subdivision (a) that~~
28 ~~is in excess of 5 percent, but not in excess of 7 percent, of the~~
29 ~~enrollment of the school district or charter school for the prior~~
30 ~~year in grades 2 to 6, inclusive, multiplied by 120 hours,~~
31 ~~multiplied by the hourly rate for the current fiscal year~~
32 ~~determined pursuant to subdivision (b) of Section 42239.~~

33 ~~(h)~~

34 (g) Notwithstanding any other provision of law, neither the
35 ~~State Board of Education~~ *state board* nor the Superintendent may
36 waive any provision of this section.

37 SEC. 2. Section 42239 of the Education Code is amended to
38 read:

39 42239. (a) For each fiscal year the Superintendent of ~~Public~~
40 ~~Instruction~~ shall compute funding for supplemental instruction

1 for each school district or charter school by multiplying the
2 number of pupil hours of supplemental instruction claimed
3 pursuant to Sections ~~37252 and 37252.2~~ 37252, 37252.2, and
4 37252.8 by the pupil hour allowance specified in subdivision (b)
5 or by a pupil hour allowance specified in the annual Budget Act
6 in lieu of the amount computed in subdivision (b).

7 (b) Hours of supplemental instruction shall be reimbursed at a
8 rate of three dollars and fifty-three cents (\$3.53) per pupil hour,
9 adjusted in the 2005–06 fiscal year and subsequent fiscal years as
10 specified in this section, provided that a different reimbursement
11 rate may be specified for each fiscal year in the annual Budget
12 Act that appropriates funding for that fiscal year. This amount
13 shall be increased annually by the percentage increase pursuant
14 to subdivision (b) of Section 42238.1 granted to school districts
15 or charter schools for base revenue limit cost-of-living increases.

16 (c) (1) If appropriated funding is insufficient to pay all claims
17 made in any fiscal year pursuant to Sections ~~37252 and 37252.2~~
18 37252, 37252.2, and 37252.8, the ~~superintendent~~ Superintendent
19 shall use any available funding appropriated for the purposes of
20 reimbursing school districts pursuant to Section ~~37252 or~~
21 ~~37252.2~~ 37252, 37252.2, or 37252.8.

22 (2) If *after using the available funding pursuant to paragraph*
23 *(1)* appropriated funding is still insufficient to pay all claims
24 made in any fiscal year pursuant to Section ~~37252 or 37252.2~~
25 37252, 37252.2, or 37252.8, the ~~superintendent~~ Superintendent
26 shall use any available funding appropriated for the purposes of
27 reimbursing school districts for supplemental instruction in the
28 prior fiscal year.

29 (3) If *after using the available funding pursuant to paragraph*
30 *(2)* appropriated funding is still insufficient to pay all claims
31 made in any fiscal year pursuant to Section ~~37252 or 37252.2~~
32 37252, 37252.2, or 37252.8, the ~~superintendent~~ Superintendent
33 shall use any available funding appropriated for the purposes of
34 reimbursing school districts for supplemental instruction in the
35 current fiscal year.

36 (4) The ~~superintendent~~ Superintendent shall notify the
37 Director of Finance that there is an insufficiency of funding
38 appropriated for the purposes of Sections ~~37252 and 37252.2~~
39 37252, 37252.2, and 37252.8 only after the ~~superintendent~~
40 Superintendent has exhausted all available balances of

- 1 appropriations made for the current or prior fiscal years for the
- 2 reimbursement of school districts for supplemental instruction.
- 3 (d) Notwithstanding any other provision of law, neither the
- 4 ~~State Board of Education~~ *state board* nor the Superintendent of
- 5 ~~Public Instruction~~ may waive any provision of this section.